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11 Counsel for the Defendant

12 IN THE UNITED STATES DISTRICT COURT  
13  
14 EASTERN DISTRICT OF CALIFORNIA

15  
16 UNITED STATES OF AMERICA,

17 Plaintiff,

18 v.

19 DEMETRIUS WARSINGER,

20 Defendant.

21 CASE NO. 1:24-cr-00066-JLT

22 **UNOPPOSED MOTION TO WITHDRAW /**  
23 **DISMISS SUPERVISED RELEASE**  
24 **VIOLATION PETITION; ORDER**

25 DATE: May 21, 2025

26 TIME: 2:00 p.m.

27  
28 **MOTION**

29 Mr. Warsinger hereby moves, through counsel, Assistant Federal Defender Kara R.  
30 Ottervanger, for an order of this Court withdrawing / dismissing the supervised release violation  
31 petition in this matter. This motion is made pursuant to Eastern District of California Local Rule Crim.  
32 430.1, Federal Rule of Criminal Procedure 32.1, and such other statutory and constitutional rules as  
33 may be applicable. This motion is based upon the instant motion, the accompanying memorandum,  
34 the files and records in the above-entitled case, and any and all other information that may be brought  
35 to the Court's attention before or during a hearing on this motion.

36 On October 10, 2024, U.S. Magistrate Judge Grosjean ordered Mr. Warsinger released to a  
37 drug treatment program, among other conditions of release. Mr. Warsinger successfully completed the

1 full three-month program at Westcare, where he excelled. Since his release from Westcare, Mr.  
2 Warsinger has taken care of the state charge underlying the present violation petition in a manner that  
3 the parties and probation find satisfactory.

4 Based on the above factors and the memorandum below, Mr. Warsinger respectfully requests  
5 that this Court enter an order withdrawing or dismissing the violation petition.

6 The government, represented by Assistant United States Attorney Luke Baty, and probation,  
7 represented by U.S. Probation Officer Julian Horta, do not oppose this motion. Mr. Warsinger waives  
8 a hearing on the matter pursuant to Federal Rule of Criminal Procedure 32.1 (b)(2) and (c)(2)(B),  
9 should the court be inclined to grant the relief sought herein based solely on the papers. Officer Horta  
10 and Mr. Baty do not object to waiving the hearing given that all parties are in agreement.

11 Mr. Warsinger is to remain on the previously ordered terms of Supervised Release.

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## **MEMORANDUM**

On October 10, 2024, Mr. Warsinger was ordered released on his own recognizance with the conditions that he participate and remain in Westcare Inpatient Treatment Facility; have no contact with C.S. until further order of the Court; and be placed on GPS location monitoring. [ECF # 9]. Mr. Warsinger began Westcare on October 16, 2024. Mr. Warsinger successfully completed the Westcare program on January 10, 2025, and was ordered to remain released on the same conditions as the October 10, 2024, order. [ECF #18].

While in Westcare the program, Mr. Warsinger completed numerous classes and obtained, among others, the following notable certificates: Anger Management Curriculum; Destinations: Domestic Violence Course; Big Bro program; Facilitation of Peer Support Group; and Most Improved Certificate. [See Composite Exhibit A]. Residential Counselor of Westcare Caussaundra Dominguez wrote a letter detailing Mr. Warsinger’s “rapid growth and unwavering commitment to becoming a productive member of society,” and commended him on his “strong commitment to his recovery throughout the process.” [See Exhibit B]. Specifically, Ms. Dominguez writes that Mr. Warsinger “made significant strides in identifying the root causes of his substance use and effectively applied the coping skills he learned,” and “displayed a high level of integrity, taking full responsibility for his actions, particularly concerning his substance use, interpersonal relationships, and responses to challenges.” *Id.* Ms. Dominguez also described the ways in which Mr. Warsinger “consistently served as a positive role model for peers,” “played a crucial role in assisting both staff and peers,” and overall “exceeded expectations,” including by completing over 400 hours of community service within the facility.” *Id.*

Mr. Warsinger has been in continual pursuit of education and employment since his release from Westcare. Prior to his October arrest he was working with Advanced Career Institute (“ACI”), and upon his release from Westcare he has re-joined the program. [See Exhibit C]. Mr. Warsinger is in Commercial Driver’s License (“CDL”) classes with ACI from 4:30 pm-9:30 pm every weekday. He has approximately 6 more weeks left of training with ACI until he obtains his CDL, at which time he will be eligible for a steady, good paying job as a truck driver. He has about 20 days left on crew,

1 and upon completion of his CDL he will be able to work with CalTrans 3 days a week for 7 weeks  
2 until he can find his own employment as a truck driver.

3 Mr. Warsinger has also spent time applying for other jobs in the meantime so that he can  
4 supplement his income until his CDL is completed. He has already had one interview and has another  
5 one this week. Mr. Warsinger has also continued to work with the Center for Employment  
6 Opportunities (“CEO”) every Wednesday from 9-11 a.m. for job development programming, working  
7 on interview skills and resume building, as well as networking.

8 Mr. Warsinger has taken responsibility for his actions in state court by pleading no contest to  
9 a misdemeanor charge. His sentence was suspended for three years, and he has been placed on formal  
10 probation with the following relevant terms: 52 weeks batterer’s treatment program and 10 hours of  
11 community service through probation. [See Exhibit D].

12 Mr. Warsinger has demonstrated his consistent ability to improve and comply with  
13 conditions/orders for nearly seven months since he was arrested on the underlying state charges. He  
14 not only completed Westcare; he excelled there and sought out programming that would help him with  
15 his anger management. He was Most Improved for his class. He has complied with the terms of his  
16 pre-resolution release for four months since release from Westcare, which indicates his ability to  
17 continue to do so. He has been on GPS location monitoring for more than six months without issue  
18 and has completed all treatment programs that U.S. probation would have recommended.

19 At this point, incarceration would only interrupt the progress he is making, put him in a place  
20 where there is ready access to drugs, remove his ability to continue treatment, and cause him to lose  
21 the job he has secured to better himself and care for his young children. He has a son Josiah who is  
22 10.5 years old and stays with Mr. Warsinger Sunday-Wednesdays, and a daughter who is not even 10  
23 months old who stays with Mr. Warsinger four days a week from 9 a.m. – 3 p.m. while the child’s  
24 mother works. Mr. Warsinger takes full accountability and has expressed his gratitude for being able  
25 to go to the program and get the help he needed to be levelheaded and clear minded. He is ready to  
26 continue with the next chapter of his life and be productive and positive moving forward.

27 U.S. Probation Officer Julian Horta has advised that Mr. Warsinger’s success in the last six  
28 months, combined with the fact that he has a 52-week batterer’s program to complete through the

1 County, is more than sufficient to mitigate any risk of Mr. Warsinger reoffending moving forward.  
2 Assistant U.S. Attorney Baty has advised that he agrees with Officer Horta and Mr. Warsinger's  
3 assessment and agrees that dismissal of the petition—with Mr. Warsinger to continue on supervision—  
4 is appropriate.

5 Based on the foregoing, Mr. Warsinger respectfully requests that this Court dismiss the Petition  
6 for Violation of Supervised Release.

7 DATED: May 6, 2025, HEATHER E. WILLIAMS  
8 Federal Defender

9 */s/Kara R. Ottervanger*  
10 KARA R. OTTERVANGER  
11 Counsel for Defendant  
12 DEMETRIUS WARSINGER

13 O R D E R  
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16 IT IS SO ORDERED.

17 Dated: May 7, 2025

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19 UNITED STATES DISTRICT JUDGE  
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